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International Convention on the Elimination of all Forms of Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Pakistan

1. The Committee considered the tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of Pakistan, submitted in one document (CERD/C/299/Add.6), at its 1198th and 1199th meetings (CERD/C/SR.1198 and SR.1199), held on 11 and 12 March 1997. At its 1210th meeting, held on 19 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the opportunity to resume the dialogue with Pakistan after a lapse of 10 years. The Committee notes with appreciation that the report submitted by the State party complies with its general guidelines and that it addresses the recommendations made during the discussion of the previous report. At the same time, the Committee is of the opinion that more specific information is needed on the implementation of the Convention and national laws in practice. The Committee also welcomes the answers provided by the delegation in response to comments made by its members.

3. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members requested that the possibility of such declaration be considered.

B. Factors and difficulties impeding the implementation of the Convention

4. It is noted that Pakistan has a large multiethnic and multicultural society. It is also noted that the extreme poverty of certain groups in the population, the presence of 1.2 million Afghan refugees and the climate of violence in certain parts of the country may affect the full implementation of the Convention by the State party.

C. Positive aspects

5. The completion of the democratic process, with the regular holding of elections, is obviously a positive step towards better protection of human rights in general and full compliance with the Convention.

6. The information provided by the State party on minorities living in Pakistan, in response to questions asked during the consideration of the previous report, is welcomed by the Committee. It notes that the State party's definition of minorities is based on the religious affiliation of the persons concerned and not on ethnic, racial or linguistic grounds. Although the Committee is aware that religious minorities as such do not fall under the scope of the Convention, it notes that religious differences may coincide with ethnic differences and therefore welcomes the institutions and measures that have been established to promote and protect minority rights, such as the Minorities Affairs Division, the National Commission for Minorities, the Federal Advisory Council for Minorities Affairs, the Districts Minority Committees, the National Committee on the Kalash People and the monthly holding of meetings with minority members of the National Assembly.

7. The establishment of a Ministry of Human Rights is welcomed. The active role played by the Commission on Human Rights in identifying and criticizing human rights violations, including those committed by the police and armed forces, is also welcomed by the Committee.

8. The repeal of the separate electoral system, which allowed members of minorities to vote only for certain reserved seats in elections, is welcomed. The fact that members of minorities are now entitled to participate directly in the general election process, in addition to electing their own representatives, is a positive development.

9. The direct participation in national elections, for the first time since Pakistan's independence, of the inhabitants of the Tribal Areas is also welcomed.

10. The extensive information in the report on the different languages spoken in Pakistan is welcomed by the Committee, all the more so since it may help in the gathering of future information on the ethnic composition of the population during the Fifth Population and Housing Census.

11. The detailed information on various measures taken and campaigns launched by Pakistan with a view to promoting human rights education and to raising people's awareness of their rights and obligations, including those under the Convention, as well as the envisaged incorporation of human rights education in the school curricula, are welcomed.

D. Principal subjects of concern

12. Concern is expressed that the policy of the State party to recognize only religious minorities excludes ethnic, linguistic or racial groups living in the country from any specific protection under the Convention that would derive from their official recognition as minorities.

13. The fact that the fundamental rights of citizens, irrespective of their race, religion, caste, sex, residence or place of birth, are guaranteed by the Constitution is welcomed, although it is stressed that article 1, paragraph 1, of the Convention is broader, in that it prohibits discrimination "based on race, colour, descent, or national or ethnic origin".

14. It is noted with regret that the report does not respond to paragraph 8 of the Committee's general guidelines about the supply of information on ethnic or racial origin. The lack of such information makes it difficult to assess the situation of the various ethnic groups in Pakistan and to evaluate the practical impact and the effectiveness of the legislative and other measures adopted by the authorities to implement the provisions of the Convention.

15. It is noted with regret that no specific information is provided on the laws and regulations concerning the Federally Administered Tribal Areas and the North-West Frontier Province as well as on the economic and social situation prevailing therein.

16. The lack of information on the implementation of article 4 of the Convention is regretted. Moreover, it is noted that the State party's legislation does not fully comply with article 4 (b) of the Convention, which requires that "organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination" be declared illegal, and that "the participation in such organizations" shall be declared an offence punishable by law.

17. There is insufficient information on article 5 (a) and (b) of the Convention, and in particular whether everyone enjoys the right to "equal treatment before the tribunals and all other organs administering justice" and to "security of the person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution".

18. It is regretted that there is not sufficient disaggregated information on the participation in public life as well as economic and social indicators, especially in connection with access to employment, housing, education and health, of the various ethnic, racial or linguistic groups living in the country, including non-citizens; this hampers the assessment of the progress made in the implementation of article 5 of the Convention.

19. It is unclear whether the various languages spoken in the country can be used in the courts.

20. As there is no information on the legislative measures adopted to implement article 6 of the Convention, the absence of instances of judicial cases concerning acts of racial discrimination cannot be accepted as a proof of the absence of such discrimination.

E. Suggestions and recommendations

21. The Committee recommends that in the future, attention be paid to article 9, paragraph 1, of the Convention relating to the undertaking by States parties to submit periodic reports regularly.

22. The Committee recommends that the State party's prohibition of discrimination be brought into line with article 1, paragraph 1, of the Convention.

23. The Committee recommends that more information on the functions and powers of the Ministry of Human Rights and the Commission on Human Rights be provided in the State party's next periodic report.

24. The Committee recommends that specific information be provided on the Federally Administered Tribal Areas and the North-West Frontier Province.

25. The Committee, while appreciating the concern not to promote ethnic or group distinctions, suggests that the State party explore the possibility of granting the same status as that of the religious minorities to other ethnic and linguistic groups, to ensure their full protection under the national laws and institutions relating to minorities as well as relevant international human rights instruments.

26. The Committee recommends that the State party include in its next report information as available on the ethnic and racial origin of the population in conformity with paragraph 8 of the Committee's general guidelines.

27. The Committee recommends that information on the implementation of article 4 of the Convention be provided in the next periodic report. It also recommends that the necessary steps be undertaken to give effect to article 4 (b) of the Convention in national legislation.

28. The Committee further recommends that comprehensive information be provided in the next periodic report on the implementation of article 5 of the Convention, with particular reference to paragraphs (a), (b), (c) and (e).

29. The Committee recommends that the next periodic report contain information on which of the main languages spoken in Pakistan may be used in the courts and in relations with the administration.

30. The Committee recommends that comprehensive information be provided on legislative and other measures adopted by the State party to comply with provisions of article 6 of the Convention and on the availability of the right to seek from the courts just and adequate reparation or satisfaction for any

damage suffered as a result of racial discrimination. The Committee also recommends that instances of cases where reparation was sought from the courts, together with the courts' decisions thereon, be provided.

31. The Committee recommends that the State party, in its continuing efforts in the field of human rights education and awareness, continue to pay attention to the establishment of training programmes aimed at familiarizing law enforcement officials, judges, magistrates, teachers and social workers with the standards of the Convention. In this respect, the Committee draws the attention of the State party to its General Recommendations V (15), on reporting obligations in relation to article 7 of the Convention, and XIII (42), on the training of law enforcement officials in the protection of human rights.

32. The Committee further recommends that the tenth to fourteenth periodic reports of the State party, as well as the present concluding observations, be publicized and widely disseminated among the public at large.

33. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the 14th meeting of States parties.

34. The Committee recommends that the State party's next periodic report be an updating report taking into account all requests for specific information listed above and all points raised in consideration of the report.

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